

EXHIBIT 1

1 The Honorable Timothy A. Bradshaw
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SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

8 SUNDAY TOLLEFSON,

9 Plaintiff,

10 No. 18-2-22507-8
11

v.

12 MICROSOFT CORPORATION, SUDEV
13 MUTHYA, AND JOHN DOE #1

Defendants.

**NOTICE TO ADVERSE PARTY AND
STATE COURT OF FILING NOTICE OF
REMOVAL IN FEDERAL COURT**

14 TO: King County Superior Court Clerk
15 AND TO: Sunday Tollefson, by and through her attorney, Gail L. Luhn

16 Pursuant to 28 U.S.C. §1446(d), Defendant hereby gives notice that on November 6,
17 2018, it filed a Notice of Removal in the United States District Court for the Western District of
18 Washington. A true and correct copy of the Notice of Removal (with exhibits) is attached hereto
as Exhibit A.

19 The State Court shall proceed no further.

20 DATED this 6th day of November, 2018.

21 WINTERBAUER & DIAMOND PLLC
22

23 s/ Kenneth J. Diamond
24 Kenneth J. Diamond, WSBA #27009
Attorneys for Defendant
Microsoft Corporation

25 WINTERBAUER & DIAMOND PLLC

1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
Telephone: (206) 676-8440

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUNDAY TOLLEFSON,

Plaintiff,

No. 2:18-cv-01617

V.

MICROSOFT CORPORATION, SUDEV
MUTHYA, AND JOHN DOE #1,

Defendants.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(a) (FEDERAL
QUESTION)**

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Microsoft Corporation (“Microsoft”) hereby removes to this Court the state court action described below, and provides the following information in support of its removal.

STATEMENT OF THE CASE

1. On September 10, 2018, an action entitled *Sunday Tollefson v. Microsoft Corporation*, Cause No. 18-2-22507-8 (the “State Court Action”), was filed in the Superior Court of the State of Washington for King County. Microsoft was not served with the Summons and Complaint. Declaration of Kenneth J. Diamond (“Diamond Decl.”) at ¶2.

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NOTICE OF REMOVAL - 1
No. 2:18-cv-01617

1 2. On October 9, 2018, Microsoft's counsel advised Plaintiff's counsel that he was
 2 authorized by Microsoft to accept service of the Summons and Complaint for Microsoft. *Id.* at
 3 ¶3.

4 3. On October 22, 2018, Plaintiff's counsel sent Microsoft's counsel the Summons
 5 and Complaint, together with a declaration to be signed acknowledging receipt and acceptance of
 6 service of process on Microsoft's behalf and as authorized by Microsoft. *Id.* at ¶4.

7 4. On November 5, 2018, Plaintiff filed an Amended Complaint and Plaintiff's
 8 counsel forwarded a copy to Microsoft's counsel via email. *Id.* at ¶5. The Amended Complaint
 9 adds two individual defendants (one by name and the other as John Doe #1) but no new claims
 10 against Microsoft. To Microsoft's knowledge, neither individual defendant has been served with
 11 the summons and complaint. *Id.*

12 5. On November 5, 2018, Microsoft's counsel signed and returned to Plaintiff's
 13 counsel the declaration referenced in paragraph 3, above. *Id.* at ¶6.

14 6. Pursuant to LCR 101(b), a true and correct copy of the Complaint and Amended
 15 Complaint are attached as Exhibit 1 hereto.

16 7. Both the Complaint and the First Amended Complaint assert federal and state
 17 causes of action, including gender discrimination in violation of 42 U.S.C. § 2000e, *et seq.*

18 **FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION**

19 8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331
 20 because the Complaint and Amended Complaint on their face state a federal question arising
 21 under 42 U.S.C. § 2000e, *et seq.*

22 9. This Court has jurisdiction over the state law claims pursuant to the doctrine of
 23 supplemental jurisdiction under 28 U.S.C. §1337(a), as they are so related to the federal claim as
 24

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1 to form part of the same case or controversy.

2 10. To the extent that any claims alleged in the Complaint or Amended Complaint
3 may not be subject to original or supplemental jurisdiction under 28 U.S.C. §§1331 and 1337(a),
4 they are removable under 28 U.S.C. §1441(c).

5 **PROCEDURAL REQUIREMENTS**

6 **A. Timeliness.**

7 11. Microsoft accepted service of the Summons and Complaint on November 5, 2018
8 through its counsel. Diamond Decl. at ¶6. This Notice of Removal is filed within 30 days of
9 that date. Removal is therefore timely in accordance with 28 U.S.C. §1446(b). *Murphy Bros.,*
10 *Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999); *McLeod v. AMICA General*
11 *Agency*, No. C15-839RAJ, 2015 WL 13145350, at *3 (W.D. Wash. Oct. 29, 2015)(“Service was
12 only properly waived (and therefore effective) [] when Defendant’s attorney signed and returned
13 the acceptance of service.”).

14 **B. Venue.**

15 12. For removal purposes, venue is proper in Western District of Washington at
16 Seattle because this is the District Court of the United States for the District encompassing the
17 court where the action is pending.

18 **C. Intradistrict Assignment.**

19 13. Pursuant to LCR 3(e), this action should be assigned to the Seattle Division of this
20 Court because the action is pending in King County, and a substantial part of the alleged events
21 or omissions giving rise to the claims occurred in King County. *See, e.g.*, Complaint and
22 Amended Complaint.

23 24 WINTERBAUER & DIAMOND PLLC

1 **D. Notice to Adverse Parties and State Court.**

2 14. Pursuant to 28 U.S.C. §1446(d), Microsoft will promptly serve a written notice of
3 filing of this Notice of Removal on all parties, and will promptly file a copy of this Notice of
4 Removal with the Superior Court of the State of Washington for King County.

5 **E. Jury Demand**

6 15. No demand for jury has been served or filed by either party in the State Court
7 Action.

8 **F. State Court Records.**

9 16. Pursuant to 28 U.S.C. §1446(a), a true and correct copy of all of the process,
10 pleadings, orders, and documents from the State Court action which have been served upon
11 Microsoft are attached at Exhibit 2.

12 17. Pursuant to LCR 101(c), Microsoft will file true and complete copies of all other
13 documents on file in the State Court Action, if any, as well as a certification that the copies are
14 true and correct, within 14 days of the filing of this Notice of Removal.

15 **CONCLUSION**

16 WHEREFORE, Microsoft respectfully requests that the State Court Action now pending
17 against it in the Superior Court of the State of Washington for King County be removed to this
18 Court.

19 DATED this 6th day of November, 2018

20 By: s/Kenneth J. Diamond
21 Kenneth J. Diamond, WSBA #27009
22 WINTERBAUER & DIAMOND PLLC
23 1200 Fifth Avenue, Suite 1700
24 Seattle, WA 98101
 Phone: 206-676-8440 Fax: 206-676-8441
 mail@winterbauerdiamond.com
 Attorneys for Defendant Microsoft Corporation

 WINTERBAUER & DIAMOND PLLC

 1200 Fifth Avenue, Suite 1700
 Seattle, Washington 98101
 Telephone: (206) 676-8440

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

I hereby certify that on November 6, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gail L. Luhn
LUHN LAW PLLC
4500 9th Ave NE, Suite 300
Seattle, WA 98105
Gail.Luhn@LuhnLawPLLC.com

DATED this 6th day of November, 2018.

s/ Adam Love
Adam Love
Legal Assistant
WINTERBAUER & DIAMOND PLLC
1200 Fifth Avenue, Suite 1700
Seattle, Washington 98101
Phone: 206-676-8440
Fax: 206-676-8441
mail@winterbauerdiamond.com

EXHIBIT 1

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY AT KENT

SUNDAY TOLLEFSON, a single woman,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington State For-Profit Corporation, **and SUDEV MUTHYA, Individually and as a Manager of Microsoft, and JOHN DOE #1, Individually.**

Defendants.

Cause No. 18-2-22507-8

FIRST AMENDED COMPLAINT

I. PARTIES

1.1 Plaintiff, Sunday Tollefson, is an individual residing in Bellevue, King County, State of Washington.

1.2 Defendant, Microsoft Corporation, is a corporation duly formed under the laws of the State of Washington, and its principle place of business is located at One Microsoft Way, Redmond, King County, Washington.

1.3 **Defendant, Sudev Muthya, is an individual residing in Bellevue, King County, Washington, and at all times relevant hereto was a Manager at Microsoft Corporation.**

FIRST AMENDED COMPLAINT FOR DAMAGES –

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Cause No. 18-2-22507-8

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Seattle, WA 98105
Tel: (206) 569-0071 Fax: (206) 569-0072

1.4 Defendant, John Doe #1, is an individual residing in King County, Washington, and at all times relevant hereto was an employee at Microsoft Corporation.

II. JURISDICTION AND VENUE

2.1 All or a substantial portion of the facts complained of herein occurred in King County, Washington.

2.2 At all times relevant to this Complaint, Microsoft Corporation conducted business in King County, Washington, **and defendants Sudev Muthya and John Doe #1 resided and/or were employed at Microsoft Corporation in King County, Washington.**

2.3 Plaintiff has exhausted her administrative remedies by filing a complaint with the Washington State Human Rights Commission and the U.S. Equal Employment Opportunity Commission on September 3, 2015. The complaint was investigated by the WSHRC until it transferred the complaint to the EEOC for further investigation on March 19, 2018. On June 11, 2018, the EEOC issued a Notice of Right to Sue in favor of Plaintiff and this Complaint is properly filed within ninety (90) days of the issuance of the Notice of Right to Sue.

2.4 Jurisdiction and venue in this court are, therefore, proper.

III. FACTUAL ALLEGATIONS

3.1 Defendant Microsoft Corporation employs more than 35,000 employees in Washington State.

3.2 Tollefson holds a Master's in Business Administration from Carnegie Mellon University and was hired by Microsoft on September 3, 2013, Business Program Manager in Microsoft's Marketing & Operations (M&O) organization, within M&O's Worldwide Incentive Compensation (WWIC) team; Defendant knew it was a "stretch" position outside of Tollefson's prior experience, but she accepted the position after being assured she would soon be transferred to a more appropriate position.

3.3 Tollefson's direct supervisor was Sudev Muthya. She was interviewed and hired, however, by Chris Morhardt, who managed Mr. Muthya and was Tollefson's "skip-level" manager.

1 3.4 At the time she was hired, Tollefson had two female coworkers. Shortly after
 2 Muthya was hired, both of these female coworkers left the group on account of Muthya's
 3 aggressive and misogynistic management. Another female was not hired into the group until
 4 nearly a year later.

5 3.5 On or about July 2014, at a company-sponsored event, a colleague, **JOHN DOE**
 6 **#1**, aggressively grabbed Tollefson by the neck and "shoved his tongue down [her] throat."
 7 She reported this assault to Eunice Lunde (Human Resources). Her report was investigated, her
 8 complaint was substantiated, and she was told that the employee was disciplined for
 9 "unwanted physical contact." Microsoft did not offer any services to help her cope with this
 10 event.

11 3.6 During Tollefson's tenure at Microsoft, she was constantly berated and belittled
 12 by Muthya when her male coworkers were not subjected to such harsh treatment. She was not
 13 permitted the same latitude to conduct meetings from home as male employees, she was
 14 criticized when, as a single mother, she was criticized when she had to miss work to care for
 15 her son when he was ill or had extra-curricular activities, but male employees were not
 16 criticized for taking time off for their childrens' sports events, illnesses or activities, she was
 17 given approval to maintain hours that allowed her to use the Connector bus from her Bothell
 18 home, and then was punished for not attending meetings when she used that service, and
 19 more.

20 3.7 Tollefson was treated even more harshly after reporting the sexual assault
 21 described in ¶ 3.4 above.

22 3.8 Muthya subjected Tollefson to unfair and even false employment reviews, and
 23 finally – without mentioning it or drawing it to her attention – "checked a box" indicating that
 24 Tollefson had provided "insufficient results." Tollefson was not aware that a box had been
 25 falsely and maliciously checked by Muthya, and that this communicated to HR and higher
 26 management that "she had delivered an unacceptable level of performance for the role in the
 27

1 prior several months and that her performance required immediate, significant, and sustained
2 improvement" (which she disputes).

3.9 Muthya's evaluations and management of Tollefson's performance were false,
4 derogatory and intended to "manage her out" of her job and cause her termination when he
5 knew or should have known that no "cause" existed; at all times relevant to this Complaint,
6 Tollefson capably, competently and enthusiastically performed her job duties.

3.10 Tollefson's job performance is irrelevant to whether she suffered harassment,
discrimination and/or retaliation on account of her sex/gender or marital status.

3.11 As a result of her sexual assault and the harassing and demeaning treatment
she received from Muthya, and his false performance evaluations, Tollefson sustained financial
loss, suffered severe emotional distress, and was ultimately terminated from her position with
Microsoft.

3.12 Tollefson's employment was terminated by Microsoft on March 3, 2015, with
the qualifier that she was "ineligible for rehire" in any capacity, forever:

"In terms of 'ineligible for rehire':

- Ineligible for future regular Microsoft employment (in any capacity)
- Ineligible for future assignment as an agency temporary worker at Microsoft
- Ineligible to work at Microsoft or have access to the Microsoft network as a vendor or contractor or as an employee of a vendor or contractor"

3.13 The terms of her termination have unduly limited prospects for future
employment and have damaged her reputation in the marketplace, particularly by preventing
her from working for a large class of employers.

IV. CAUSES OF ACTION

A. FIRST CAUSE OF ACTION: GENDER DISCRIMINATION

4.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 3.12 as if
set forth here in full.

1 4.2 Defendant knew or should have known that Muthya was engaging in severe
2 and pervasive harassment of Plaintiff on account of her sex and gender, creating a hostile
3 environment for her and other female employees.

4 4.3 Defendant knew or should have known that Muthya fabricated her employment
5 evaluations and reviews that led to termination of her employment.

6 4.3 Defendant, the actions of its Manager, Sudev Muthya, treated Plaintiff in a
7 disparate manner from male employees, and her gender/sex was a substantial motivating
8 factor in that treatment

9 4.3 These actions alleged herein violated RCW 49.60, *et seq.*, entitling Plaintiff to
10 recovery of general and special damages, attorney's fees and actual costs of litigation.

11 4.4 The actions complained of herein violated Title VII of the Civil Rights Act of
12 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
13 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
14 and punitive damages.

15 V. SECOND CAUSE OF ACTION – WRONGFUL TERMINATION

16 5.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 4.4 as if set
17 forth here in full.

18 5.2 Defendant, by the actions of its Manager, Sudev Muthya, falsely evaluated
19 Plaintiff's performance, leading to her termination and ban from any employment with
20 Defendant, directly or indirectly, *ad infinitum*.

21 5.3 These actions alleged herein violated RCW 49.60, *et seq.*, entitling Plaintiff to
22 recovery of general and special damages, attorney's fees and actual costs of litigation.

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24 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
25 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
26 and punitive damages.

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FIRST AMENDED COMPLAINT FOR DAMAGES –

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Cause No. 18-2-22507-8

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1 VI. THIRD CAUSE OF ACTION – MARITAL STATUS DISCRIMINATION

2 6.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 5.4 as if set
3 forth here in full.

4 6.2 Defendant, by the actions of its Manager Muthya, evaluated Plaintiff more
5 harshly than married employees with children, unfairly afforded married employees with
6 children opportunities and resources that she was denied, and unfairly accused Plaintiff of
7 having inadequate commitment to Defendant when she had to care for her child in
8 emergencies, all on account of her status as a female single mother.

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10 recovery of general and special damages, attorney's fees and actual costs of litigation.

11 6.4 The actions complained of herein violated Title VII of the Civil Rights Act of
12 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
13 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
14 and punitive damages.

15 VII. FOURTH CAUSE OF ACTION – HOSTILE WORK ENVIRONMENT

16 7.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 6.4 as if set
17 forth here in full.

18 7.2 Plaintiff was intentionally subjected to a toxic and hostile work environment
19 based on her sex, gender and/or marital status (unmarried single mother) that was intended to
20 and did cause her severe emotional distress, thereby entitling her to recovery of general and
21 special damages, attorney's fees, actual costs of litigation, and punitive damages.

22 VIII. FIFTH CAUSE OF ACTION – WRONGFUL TERMINATION
23 IN VIOLATION OF PUBLIC POLICY

24 8.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 7.2 as if set
25 forth here in full.

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1 8.2 Plaintiff was terminated from employment in contravention of public policies
2 prohibiting sex, gender and marital status discrimination, thereby entitling her to recovery of
3 general and special damages, attorney's fees, actual costs of litigation, and punitive damages.

4 **IX. CAUSES OF ACTION AGAINST INDIVIDUAL DEFENDANTS MUTHYA AND DOE.**

5 **9.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 8.2 as
6 if set forth here in full.**

7 **9.2 The actions alleged herein against defendant Muthya constitute tortious
8 interference with a business expectancy.**

9 **9.3 Defendant Muthya is jointly and severally liable for violations of state and
10 federal statutes and common law claims alleged against Microsoft Corporation herein.**

11 **9.4 The actions alleged herein committed by defendant John Doe #1
12 constitute the torts of assault, battery, and or sexual assault.**

13 **9.5 Plaintiff was damaged by the actions of defendant Muthya and is entitled
14 to recovery of general and special damages, attorney's fees, actual costs of litigation,
15 and punitive damages.**

16 **9.6 Plaintiff was damaged by the actions of defendant Doe #1 and is entitled
17 to recovery of general and special damages and taxable costs and fees pursuant to state
18 law.**

19 **X. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for relief as follows:

- 21 A. Total damages in excess of the jurisdictional limits of the court;
- 22 B. Damages for back pay and benefits lost and for future pay and benefits lost;
- 23 C. Damages for loss of enjoyment of life, pain and suffering, mental anguish,
24 emotional distress, and humiliation;
- 25 D. Prejudgment interest in an amount to be determined at trial;
- 26 E. Compensation for any tax penalty associated with a recovery of damages;
- 27 F. Reasonable prevailing party attorney's fees and actual costs of litigation;

1 G. Taxable costs and fees otherwise recoverable by statute or court rule; and

2 H. Any and all other relief to which the court may find her entitled.

3 Respectfully submitted this Monday, November 05, 2018.

4 LUHN LAW, PLLC

5 By: s/ Gail M. Luhn

6 GAIL M. LUHN, WSBA #27104

7 Attorney for Plaintiff, Sunday Tollefson

FILED

18 SEP 10 PM 1:22

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2 KING COUNTY
3 SUPERIOR COURT CLERK
4 E-FILED
5 CASE NUMBER: 18-2-22507-8 SEA
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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY AT KENT

10 SUNDAY TOLLEFSON, a single woman,

Cause No.

11 Plaintiff,

COMPLAINT FOR DAMAGES

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State For-Profit Corporation,

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17 I. PARTIES

18 1.1 Plaintiff, Sunday Tollefson, is an individual residing in Bellevue, King County,
19 State of Washington.

20 1.2 Defendant, Microsoft Corporation, is a corporation duly formed under the laws
21 of the State of Washington, and its principle place of business is located at One Microsoft Way,
22 Redmond, King County, Washington.

23 II. JURISDICTION AND VENUE

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26 2.2 At all times relevant to this Complaint, Microsoft Corporation conducted
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COMPLAINT FOR DAMAGES – Page 1
Cause No.

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3.3 Tollefson's direct supervisor was Sudev Muthya. She was interviewed and hired, however, by Chris Morhardt, who managed Mr. Muthya and was Tollefson's "skip-level" manager.

3.4 At the time she was hired, Tollefson had two female coworkers. Shortly after Muthya was hired, both of these female coworkers left the group on account of Muthya's aggressive and misogynistic management. Another female was not hired into the group until nearly a year later.

3.5 On or about July 2014, at a company-sponsored event, a colleague aggressively grabbed Tollefson by the neck and "shoved his tongue down [her] throat." She reported this assault to Eunice Lunde (Human Resources). Her report was investigated, her complaint was

1 substantiated, and she was told that the employee was disciplined for "unwanted physical
2 contact." Microsoft did not offer any services to help her cope with this event.

3 3.6 During Tollefson's tenure at Microsoft, she was constantly berated and belittled
4 by Muthya when her male coworkers were not subjected to such harsh treatment. She was not
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10 home, and then was punished for not attending meetings when she used that service, and
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12 3.7 Tollefson was treated even more harshly after reporting the sexual assault
13 described in ¶ 3.4 above.

14 3.8 Muthya subjected Tollefson to unfair and even false employment reviews, and
15 finally – without mentioning it or drawing it to her attention – "checked a box" indicating that
16 Tollefson had provided "insufficient results." Tollefson was not aware that a box had been
17 falsely and maliciously checked by Muthya, and that this communicated to HR and higher
18 management that "she had delivered an unacceptable level of performance for the role in the
19 prior several months and that her performance required immediate, significant, and sustained
20 improvement" (which she disputes).

21 3.9 Muthya's evaluations and management of Tollefson's performance were false,
22 derogatory and intended to "manage her out" of her job and cause her termination when he
23 knew or should have known that no "cause" existed; at all times relevant to this Complaint,
24 Tollefson capably, competently and enthusiastically performed her job duties.

25 3.10 Tollefson's job performance is irrelevant to whether she suffered harassment,
26 discrimination and/or retaliation on account of her sex/gender or marital status.

27 //

3.11 As a result of her sexual assault and the harassing and demeaning treatment she received from Muthya, and his false performance evaluations, Tollefson sustained financial loss, suffered severe emotional distress, and was ultimately terminated from her position with Microsoft.

3.12 Tollefson's employment was terminated by Microsoft on March 3, 2015, with the qualifier that she was "ineligible for rehire" in any capacity, forever:

"In terms of 'ineligible for rehire':

- Ineligible for future regular Microsoft employment (in any capacity)
- Ineligible for future assignment as an agency temporary worker at Microsoft
- Ineligible to work at Microsoft or have access to the Microsoft network as a vendor or contractor or as an employee of a vendor or contractor”

3.13 The terms of her termination have unduly limited prospects for future employment and have damaged her reputation in the marketplace, particularly by preventing her from working for a large class of employers.

IV. CAUSES OF ACTION

A. FIRST CAUSE OF ACTION: GENDER DISCRIMINATION

4.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 3.12 as if set forth here in full.

4.2 Defendant knew or should have known that Muthya was engaging in severe and pervasive harassment of Plaintiff on account of her sex and gender, creating a hostile environment for her and other female employees.

4.3 Defendant knew or should have known that Muthya fabricated her employment evaluations and reviews that led to termination of her employment.

4.3 Defendant, the actions of its Manager, Sudev Muthya, treated Plaintiff in a disparate manner from male employees, and her gender-sex was a substantial motivating factor in that treatment

1 4.3 These actions alleged herein violated RCW 49.60, *et seq.*, entitling Plaintiff to
2 recovery of general and special damages, attorney's fees and actual costs of litigation.

3 4.4 The actions complained of herein violated Title VII of the Civil Rights Act of
4 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
5 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
6 and punitive damages.

7 V. SECOND CAUSE OF ACTION – WRONGFUL TERMINATION

8 5.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 4.4 as if set
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10 5.2 Defendant, by the actions of its Manager, Sudev Muthya, falsely evaluated
11 Plaintiff's performance, leading to her termination and ban from any employment with
12 Defendant, directly or indirectly, *ad infinitum*.

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16 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
17 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
18 and punitive damages.

19 VI. THIRD CAUSE OF ACTION – MARITAL STATUS DISCRIMINATION

20 6.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 5.4 as if set
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22 6.2 Defendant, by the actions of its Manager Muthya, evaluated Plaintiff more
23 harshly than married employees with children, unfairly afforded married employees with
24 children opportunities and resources that she was denied, and unfairly accused Plaintiff of
25 having inadequate commitment to Defendant when she had to care for her child in
26 emergencies, all on account of her status as a female single mother.

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2 recovery of general and special damages, attorney's fees and actual costs of litigation.

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4 1964 (Pub. L. 88-352) (Title VII), as amended, codified at 42 USC § 2000e, *et seq.*, entitling
5 Plaintiff to recovery of general and special damages, attorney's fees, actual costs of litigation,
6 and punitive damages.

7 VII. FOURTH CAUSE OF ACTION – HOSTILE WORK ENVIRONMENT

8 7.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 6.4 as if set
9 forth here in full.

10 7.2 Plaintiff was intentionally subjected to a toxic and hostile work environment
11 based on her sex, gender and/or marital status (unmarried single mother) that was intended to
12 and did cause her severe emotional distress, thereby entitling her to recovery of general and
13 special damages, attorney's fees, actual costs of litigation, and punitive damages.

14 VIII. FIFTH CAUSE OF ACTION – WRONGFUL TERMINATION
15 IN VIOLATION OF PUBLIC POLICY

16 8.1 Plaintiff realleges and incorporates herein the allegations of ¶¶ 1.1 – 7.2 as if set
17 forth here in full.

18 8.2 Plaintiff was terminated from employment in contravention of public policies
19 prohibiting sex, gender and marital status discrimination, thereby entitling her to recovery of
20 general and special damages, attorney's fees, actual costs of litigation, and punitive damages.

21 IX. PRAYER FOR RELIEF

22 WHEREFORE, Plaintiff prays for relief as follows:

- 23 A. Total damages in excess of the jurisdictional limits of the court;
- 24 B. Damages for back pay and benefits lost and for future pay and benefits lost;
- 25 C. Damages for loss of enjoyment of life, pain and suffering, mental anguish,
26 emotional distress, and humiliation;
- 27 D. Prejudgment interest in an amount to be determined at trial;

- 1 E. Compensation for any tax penalty associated with a recovery of damages;
- 2 F. Reasonable prevailing party attorney's fees and actual costs of litigation;
- 3 G. Taxable costs and fees otherwise recoverable by statute or court rule; and
- 4 H. Any and all other relief to which the court may find her entitled.

5
6 Respectfully submitted this Monday, September 10, 2018.

7 LUHN LAW, PLLC

8
9 By: s/ Gail M. Luhn
10 GAIL M. LUHN, WSBA #27104
11 Attorney for Plaintiff, Sunday Tollefson

EXHIBIT 2

FILED

18 SEP 10 PM 1:22

1 KING COUNTY
2 SUPERIOR COURT CLERK
3 E-FILED
4 CASE NUMBER: 18-2-22507-8 SEA

5
6
7
8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR KING COUNTY AT SEATTLE

10 SUNDAY TOLLEFSON, a single woman,

11 Plaintiff,

12 v.

13 MICROSOFT CORPORATION, a Washington
14 State For-Profit Corporation,

15 Defendant.

Cause No.

SUMMONS
(20-Day)

16 TO: MICROSOFT CORPORATION, a Washington State For-Profit Corporation.

17 A lawsuit has been started against MICROSOFT CORPORATION in the above-entitled
18 court by Sunday Tollefson. Plaintiff's claims are stated in the written complaint, a copy of
19 which is served upon you with this summons.

20 In order to defend against this lawsuit, you must respond to the complaint by stating
21 your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff
22 within 20 days after the service of this summons, excluding the day of service, if served
23 within the State of Washington (or within 60 days after service of this summons, if served
outside the State of Washington), or a default judgment may be entered against you without

SUMMONS – Page 1

Cause No.

LUHN LAW PLLC
4500 9th Ave NE, Suite 300
Seattle, WA 98105
Tel: (206) 569-0071 Fax: (206) 569-0072

1 notice. A default judgment is one where plaintiff is entitled to what it asks for in its
2 Complaint because you have not responded. If you serve a notice of appearance on the
3 undersigned attorney, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiffs file this lawsuit with the court. If you do so, the
5 demand must be in writing and must be served upon the plaintiff by serving plaintiff's
6 attorney. Within fourteen (14) days after you serve the demand, the plaintiff must file this
7 lawsuit with the court, or the service on you of this summons and complaint will be void.

8 If you wish to seek the advice of an attorney in this matter, you should do so
9 promptly so that your written response, if any, may be served on time.

10 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
11 State of Washington.

12 DATED this 10th day of September 2018.

13 LUHN LAW, PLLC

14 By: Gail M. Luhn
15 Gail M. Luhn, WSBA #27104
16 Attorney for Plaintiff, Sunday Tollefson
17
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FILED

18 SEP 10 PM 1:22

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 18-2-22507-8 SEA

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

SUNDAY TOLLEFSON

NO. 18-2-22507-8 SEA

VS

MICROSOFT CORPORATION

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

CAUSE OF ACTION

(MSC) - OTHER COMPLAINT/PETITION (MSC 2)

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

SUNDAY TOLLEFSON

Plaintiff(s),

vs.

MICROSOFT CORPORATION

Respondent(s)

NO. 18-2-22507-8 SEA

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: Bradshaw, Timothy A., Dept. 1

FILED DATE: 9/10/2018

TRIAL DATE: 9/9/2019

SCOMIS CODE: *ORSCS

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

Gail M. Luhn

PRINT NAME



SIGN NAME

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$220 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

✓	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	9/10/2018
✓	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR2.1(a) and Notices on page 2]. §220 Arbitration fee must be paid	2/19/2019
✓	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on page 2]	2/19/2019
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)]	3/4/2019
	DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)]	4/8/2019
	DEADLINE for Disclosure of Possible Additional Witnesses [KCLCR 26(k)]	5/20/2019
	DEADLINE for Jury Demand [See KCLCR 38(b)(2)]	6/3/2019
	DEADLINE for Change in Trial Date [See KCLCR 40(e)(2)]	6/3/2019
	DEADLINE for Discovery Cutoff [See KCLCR 37(g)]	7/22/2019
	DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR16(b)]	8/12/2019
	DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)]	8/19/2019
✓	DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)]	8/19/2019
	DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56;CR56]	8/26/2019
✓	Joint Statement of Evidence [See KCLCR 4(k)]	9/3/2019
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusion of Law with the Clerk)	9/3/2019
	Trial Date [See KCLCR 40]	9/9/2019

The ✓ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.



DATED: 9/10/2018

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at www.kingcounty.gov/courts/scforms. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website www.kingcounty.gov/courts/superiorcourt to confirm the trial judge assignment.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the

Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

Emergency Motions: Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk/documents/eWC.

Service of documents: Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at www.kingcounty.gov/courts/clerk/documents/efiling regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: www.kingcounty.gov/courts/SuperiorCourt/judges.

Presentation of Orders for Signature: All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department. Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3): the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY AT SEATTLE

SUNDAY TOLLEFSON, a single woman,
Plaintiff,
v.
MICROSOFT CORPORATION, a Washington
State For-Profit Corporation,
Defendant.

Cause No. 18-2-22507-8 SEA

**DECLARATION OF KENNETH DIAMOND
RE ACCEPTANCE OF SERVICE**

Comes Kenneth J. Diamond of WINTERBAUER & DIAMOND, PLLC, and states as follows:

1. I am over the age of majority, am competent to testify, and except as otherwise indicated, I make the following statements based upon my own personal knowledge and belief.

2. I have been retained to represent Microsoft Corporation in defense of plaintiff's claims against it in this matter.

3. On or about October 9, 2018, I sought and obtained authority to accept service of process on behalf of Microsoft Corporation.

4. On or about October 9, 2018, I communicated to counsel for plaintiff, Gail M. Luhn of LUHN LAW, PLLC, that I had received authority to accept service of process on behalf of defendant Microsoft Corporation via electronic delivery, including by email.

1 5. On October 22, 2018, I received the following documents via electronic delivery:

2 a. Complaint for Damages;

3 b. Summons;

4 c. Case Confirmation Cover Sheet and Area Designation; and

5 d. Order Setting Civil Case Schedule.

6 6. I acknowledge and agree that I have received and accepted service of process in this
7 matter on behalf of and as authorized by Microsoft Corporation.

8 I certify under penalty of perjury under the laws of the state of Washington that the
9 foregoing is true and correct. *Ken J. Diamond*

10 DATED this 31 day of ~~October~~ 2018.

11 WINTERBAUER & DIAMOND PLLC

12 By: 
13 Kenneth J. Diamond, WSB#14056,
14 1200 Fifth Avenue, Suite 1700
15 Seattle, WA 98101
16 206-676-8440
17 206-676-8441 (fax)
18 Email: ken@winterbauerdiamond.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Sunday Tollefson

(b) County of Residence of First Listed Plaintiff King
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Gail L. Luhn, Luhn Law PLLC
 4500 9th Ave. NE, Ste. 300, Seattle, WA 98105
 (206) 569-0071

DEFENDANTS
 Microsoft Corporation, Sudev Muthya, and John Doe #1

County of Residence of First Listed Defendant King

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
 Attorneys for Microsoft Corporation:
 Kenneth J. Diamond, Winterbauer & Diamond, PLLC
 1200 Fifth Ave., Ste. 1700, Seattle, WA 98101, (206) 676-8440

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability PERSONAL PROPERTY <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
--	--	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. § 2000e, et seq.

VI. CAUSE OF ACTION

Brief description of cause:
 Alleged gender discrimination

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): **JUDGE** **DOCKET NUMBER**

DATE SIGNATURE OF ATTORNEY OF RECORD
 11/06/2018 s/ Kenneth J. Diamond

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE